



MAY 03 2007

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY



07-CV-00411-PET

**BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

IN RE PET FOODS PRODUCTS LIABILITY
LITIGATION

No. MDL DOCKET NO. 1850

**PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION FOR
TRANSFER OF ACTIONS TO THE CENTRAL DISTRICT OF CALIFORNIA AND
FOR CONSOLIDATED OR COORDINATED PRETRIAL PROCEEDINGS PURSUANT
TO 28 U.S.C. §1407**

Plaintiff Dawn Howe in the Central District of California action, *Howe v. Menu Foods Limited, et al*, No. CV07-02060 GHK (AJWx), plaintiffs Dennis Lee Townsend and Glenna Townsend in the Central District of California action, *Townsend v. Menu Foods Limited, et al*, No. ED CV07-398 GHK (AJWx), plaintiff Alexander Nunez in the District of New Jersey action, *Nunez v. Menu Foods Limited*, No. 07CV1490 (NLH), plaintiff Richard Chamberlain in the Central District Court of California action, *Chamberlain v. Nestle S.A.*, No. CV07-2476 FMG (SSx), and plaintiff Mark Golding in the District of New Jersey action, *Golding v. Menu Foods Limited, et al*, No. 07CV01521 (NLH), (collectively, "Plaintiffs"), respectfully move the Panel for an Order pursuant to 28 U.S.C. §1407 to transfer the pending cases identified in the schedule of actions filed concurrently, as well as any cases subsequently filed involving similar facts or claims, to the United States District Court for the Central District of California, and to consolidate and coordinate the cases for pretrial proceedings before the Honorable George H. King, to whom the low numbered case is assigned in the Central District of California.

I. BACKGROUND

Defendants Menu Foods and Nestle Purina, as well as other pet food manufacturers, (collectively, the "Pet Food Manufacturers"), produced and sold contaminated dog and cat food which caused serious illness and death to household pets. Many of the pet foods manufactured by the Pet Food Manufacturers and sold by retailers such as Wal-Mart, Petsmart, and Giant, are part of nationwide recalls, which lists continue to grow. *See* Exhibits A-I. The piecemeal, ever-expanding recalls leave concerned pet owners confused and uncertain of which products are safe for their pets to consume.

Plaintiffs brought their respective actions on behalf of all persons in the United States who purchased contaminated dog or cat food manufactured by Menu Foods and/or Nestle Purina, which were recalled or will be recalled. These products caused serious illness or death in many pets, including Plaintiffs' pets.

At least sixty-four cases, to the best of Plaintiffs' knowledge, have been filed against the Pet Food Manufacturers, in both state and federal courts, alleging similar causes of actions and seeking similar relief as Plaintiffs. The related actions all arise from the same or similar nucleus of operative facts as Plaintiffs' cases. Each action will involve substantially similar discovery, with the same or similar documents and witnesses. Discovery has not commenced in Plaintiffs' cases or any of the related actions.

Since these cases require same or similar questions of law and facts to be determined by a court of law, prompt action by the Panel to transfer and consolidate these actions will promote their just and efficient prosecution and judicial economy and serve the convenience of the parties.

II. ARGUMENT

A. Transfer And Consolidation Of All Actions Is Appropriate Under 28 U.S.C. §1407

28 U.S.C. §1407 provides for transfer of actions to one district for coordinated or consolidated pretrial proceedings where actions pending in different districts involve one or more common questions of fact. 28 U.S.C. §1407(a). The Panel authorizes consolidation where transfers will promote the convenience of the parties and witnesses, and the just and efficient conduct of the action. *Id.* The purpose of the multidistrict litigation process is to “eliminate the potential for contemporaneous pretrial rulings by coordinate district and appellate courts in multidistrict related civil actions.” *In re Multidistrict Private Civ. Treble Damage Litig.*, 298 F. Supp. 484, 491-92 (J.P.M.L. 1968). Consolidation is especially important in class actions where the “potential for conflicting, disorderly, chaotic” action is greatest. *Id.* at 493. Transfer of related actions to a single district for pretrial proceedings avoids conflicting pretrial discovery and ensures uniform and expeditious treatment in the pretrial procedures. *In re Phenylpropanolamine (PPA) Prods. Liab. Litig.*, 460 F.3d 1217, 1230 (9th Cir. 2006).

Transfer is appropriate here because many common questions of fact and law exist. The cases listed in the schedule of actions (the “Actions”) all arise from the same or similar nucleus of operative facts, and each seeks determination of, among other things:

1. whether the contaminated pet foods manufactured by the Pet Food Manufacturers were materially defective in design and formulation;
2. whether the Pet Food Manufacturers failed to properly test the contaminated pet food products prior to market entry;
3. whether the Pet Food Manufacturers negligently, recklessly, or intentionally delayed initiating recalls of the contaminated pet foods;

4. whether the Pet Food Manufacturers breached their duty of care to Plaintiffs and other Class members;
5. whether the Pet Food Manufacturers breached any contract or warranty, express or implied, relating to their sale of contaminated pet food;
6. whether the contaminated pet food manufactured by the Pet Food Manufacturers caused Plaintiffs' and other Class members' pets to fall ill or die;
7. whether the Pet Food Manufacturers were unjustly enriched as a result of their wrongful conduct;
8. whether Plaintiffs and other Class members are entitled to compensatory damages; and
9. whether Plaintiffs and other Class members are entitled to punitive damages.

Determination of these and other commons issues in a single district will benefit the parties and witnesses, and promote the just and efficient prosecution of the Actions. Without transfer and consolidation of the Actions, the danger of inconsistent rulings exists, and judicial inefficiency, overlapping discovery, and unnecessary expense will certainly result. Transfer and coordination is especially appropriate as formal discovery has not yet commenced in any of the Actions. As such, transfer and consolidation of the Actions to a single district is appropriate for the just and efficient prosecution of the actions and the convenience of the parties and witnesses.

B. The Central District of California Is The Appropriate Forum For Transfer And Consolidation

In determining the most appropriate transferee forum, the Panel will consider, among other things, the number of actions pending in the district, the location of witnesses and documents, the stage of pretrial proceedings, whether a related government investigation or action is pending, whether the district is in an accessible metropolitan area, the status of the civil docket, and the experience of the transferee judge in handling multidistrict litigation. *See e.g., In re Educ. Testing Serv. Plt 7-12 Test Scoring Litig.*, 350 F. Supp. 2d 1363, 1365 (J.P.M.L. 2004) (Panel found district appropriate where four of thirteen actions were already pending in the district, the district provided an accessible, metropolitan location, the district had favorable caseload conditions, and the judge had experience managing multidistrict litigation); *In re Wheat Farmers Antitrust Class Action Litig.*, 366 F. Supp. 1087, 1088 (J.P.M.L. 1973) (Panel considered the conveniences of the parties and witnesses, location of relevant documents, stage of pretrial proceedings, and the status of civil dockets); *In re Peruvian Road Litig.*, 380 F. Supp. 796, 798 (J.P.M.L. 1974) (while both districts were appropriate, Panel chose the District of Idaho because of the judge's familiarity with the issues raised by defendants and because of the significantly lighter civil action docket of that court); *In re Tri-State Crematory Litig.*, 206 F. Supp. 2d 1376, 1378 (J.P.M.L. 2002) (in selecting the transferee court, the Panel considered the location of the crematory central to the allegations, the criminal investigation, the likely location of relevant documents, witnesses and other evidence, and where the actions were filed); *In re Foundry Resins Antitrust Litig.*, 342 F. Supp. 2d 1346, 1347 (J.P.M.L. 2004) (Panel considered, among other things, the presence of a government investigation in choosing the transferee district).

Transfer of the Actions to the Central District of California for consolidated pretrial proceedings is appropriate here because transfer will serve the convenience of the parties and promote just and efficient conduct of the Actions. The Central District of California is particularly appropriate because a number of the Actions are currently pending in this district.

Defendant Nestle's U.S. headquarters, as well as manufacturer Nutro Products, Inc., which has been named a defendant in other Actions, are located in this district. Thus, witnesses and documents are likely located in this district as well. Additionally, the Food and Drug Administration, U.S. Department of Agriculture, and California Department of Health Services are conducting investigations into a hog farm confirmed to have received contaminated pet food scraps in California. Consolidation of the Actions in the Central District of California will thus aid in the coordination of efforts likely to occur between the government investigations and the Actions. The Central District of California also provides a metropolitan location, easily accessible to all parties and witnesses, both domestic and foreign.

The Central District of California is also appropriate because of the status of its civil dockets. The median time to disposition in the Central District was 7.2 months last fiscal year, while the District of New Jersey, where some similar Actions have been filed, averaged 8.2 months. *See Exhibits J-K*. The median time to trial in the Central District of California was 21.3 months, while it took nearly a year longer in the District of New Jersey, at approximately 33.0 months. Because a case is more likely to be expeditiously handled in the Central District of California, transfer of the Actions to the Central District is appropriate.

The Honorable George H. King, to whom the low numbered case, *Sexton v. Menu Foods*, is assigned, has considerable experience managing class actions and complex litigation matters. *See, e.g., In re Nat'l Golf Props. Secs. Litig.*, No.: CV 02-1383-GHK (complex securities class action) and *Dagher v. Saudi Ref., Inc.*, No. CV-99-06114(GHK) (complex anti-trust action). Judge King's twelve years of experience on the bench and reputation for expeditious handling of matters makes the Central District of California as the forum for transfer and consolidation for pretrial proceedings all the more appropriate. On the other hand, the Honorable Noel L. Hillman, to whom the low numbered case in the District of New Jersey is assigned, has been on the bench for less than a year, and thus, does not have the experience and expertise Judge King has amassed over the years in presiding over complex matters such as this one.

III. CONCLUSION

At least sixty-four cases have been filed against Menu Foods, Nestle Purina, and other pet food manufacturers alleging defendants manufactured and sold contaminated pet food products which caused illness or death in household pets. These Actions all arise out of the same or similar nucleus of operative facts, allege similar claims, and seek similar relief. Without transfer and coordination of the Actions, judicial inefficiency, overlapping discovery, and unnecessary expense will certainly result, and the danger of inconsistent rulings may arise. As such, plaintiffs Howe, the Townsends, Nunez, Chamberlain, and Golding respectfully request transfer and consolidation or coordination of the Actions to the Central District of California, in order to promote just and efficient prosecution of the Actions and serve the convenience of the parties.

DATED: April 27, 2007

MILBERG WEISS & BERSHAD LLP
JEFF S. WESTERMAN
SABRINA S. KIM
CHERYL A. WILLIAMS
MICHIO MICHELLE FURUKAWA


CHERYL A. WILLIAMS

One California Plaza
300 South Grand Ave., Suite 3900
Los Angeles, CA 90071
Telephone: (213) 617-1200
Facsimile: (213) 617-1975
Email: jwesterman@milbergweiss.com
skim@milbergweiss.com
cwilliams@milbergweiss.com
mfurukawa@milbergweiss.com

Counsel for Plaintiffs: Dawn Howe, Dennis
Lee Townsend, Glenna Townsend, Alexander
Nunez, Richard Chamberlain, and Mark
Golding.

**Before the Judicial Panel on Multidistrict Litigation
MDL-1850 - In re Pet Foods Products Liability Litigation**

SCHEDULE OF ACTIONS

Case Captions	Court	Civil Action No.	Judge
Plaintiffs: Kirby Cooper Defendants: Menu Foods Income Fund, Menu Foods Midwest Corporation, Menu Foods South Dakota, Inc., Menu Foods, Inc., Menu Foods Holdings, Inc., and Wal-Mart Stores, Inc.	W.D. Arkansas	4:2007cv04036	Harry F. Barnes
Plaintiffs: Charles Ray Sims and Pamela Sims Defendants: Menu Foods Income Fund, Menu Foods Midwest Corporation, menu Foods South Dakota Inc., Menu Foods, Inc., Menu Foods Holdings, Inc.	W.D. Arkansas	5:2007cv05053	Jimm Larry Hendren
Plaintiffs: Richard Scott and Barbara Widen Defendants: Menu Foods, Menu Foods Income Fund, Menu Foods Gen Par Limited, Menu Foods Limited Partnership, Menu Foods Operating Partnership, Menu Foods Midwest Corporation, Menu Foods South Dakota; Menu Foods, Inc., Menu Foods Holdings, Inc. and Wal-Mart Stores, Inc.	W.D. Arkansas	5:2007cv05055	Robert T. Dawson

Case Captions	Court	Civil Action No.	Judge
Plaintiffs: Sandra L. Gray, Nick Jackson and Deena Jackson Defendants: Menu Foods, Menu Foods Income Fund, Menu Foods Gen Par Limited, Menu Foods Limited Partnership, Menu Foods Operating Partnership, Menu Foods Midwest Corporation, Menu Foods South Dakota; Menu Foods, Inc., Menu Foods Holdings, Inc., Wal-Mart Stores, Inc. and Xuzhou Anying Biologic Technology Development Co. Ltd.	W.D. Arkansas	5:2007cv05065	Robert T. Dawson
Plaintiffs: Shirley Sexton Defendants: Menu Foods Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation, Suzhou Textile Import and Export Company, Xuzhou Anying Biologic Technology Development	C.D. California	2:2007cv01958	George H. King
Plaintiffs: Paul Randall Johnson and Tammy Navarrete Defendants: Menu Foods Inc., and Menu Foods Income Fund	C.D. California	2:2007cv01987	George H. King
Plaintiffs: Lois Grady and Kaye Steinsapir Defendants: Foods, Inc., Menu Foods Income Fund, Menu Foods Limited, Menu Foods Midwest Corp., Menu Foods Operating Limited Partnership, Menu Foods, Inc., Nutro Products, and Petco Animal Supplies, Inc.	C.D. California	2:2007cv02253	Dean D. Pregerson

Case Captions	Court	Civil Action No.	Judge
Plaintiffs: Kelly Finestone Defendants: Menu Foods Inc., Petco Animal Supplies Inc., and The IAMS Company	C.D. California	2:2007cv02338	Christina A. Snyder
Plaintiffs: Dawn Howe Defendants: Menu Foods Limited, Menu Foods Inc., Menu Foods Midwest Corporation, Menu Foods Income Fund, Menu Foods South Dakota, Inc., Menu Foods Holdings, Inc. and Menu Foods Operating Trust	C.D. California	CV 07-2060 GHK (AJWx)	George H. King
Plaintiffs: Dennis Townsend and Glenna Townsend Defendants: Chemnutra Inc., Menu Foods Holdings Inc., Menu Foods Inc., Menu Foods Income Fund, Menu Foods Limited, Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Nestle Holdings Inc. Nestle Purina Petcare Co., Nestle SA, Nestle USA Inc.	C.D. California	ED CV 07-398 GHK (AJWx)	George H. King
Plaintiffs: Richard Chamberlain Defendants: Chemnutra Inc., Nestle Holdings Inc. Nestle Purina Petcare Co., Nestle SA, Nestle USA Inc. and Xuzhou Anying Biologic Technology Development Company Ltd.	C.D. California	2:07-cv-02476-FMC-SS	Florence-Marie Cooper

Case Captions	Court	Civil Action No.	Judge
Plaintiffs: Sherry Ingles Defendants: Menu Foods Income Fund, Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Menu Foods, Inc.,	N.D. California	3:2007cv01809	Maxine M. Chesney
Plaintiffs: Robert Payne and Steve Bartilucci Defendants: Menu Foods, Inc., The Proctor & Gamble Company, Petco Animal Supplies, Inc., and Safeway, Inc.	S.D. California	3:2007cv00705	John A. Houston
Plaintiffs: Diane Swarberg Defendants: The Iams Company, and Menu Foods Holding Inc.	S.D. California	3:2007cv00706	Barry Ted Moskowitz
Plaintiffs: Emily Tompkins Defendants: Menu Foods Midwest Corporation, Menu Foods Income Fund, Menu Foods Limited, Menu Foods Inc., Menu Foods Holdings, Inc., The Procter & Gamble Company, The Iams Company, Safeway Inc., The Kroger Co., Petco Animal Supplies, Inc., Petco Animal Supplies Stores, Inc.	D. Colorado	1:2007cv00736	John L. Kane
Plaintiffs: Lauri A. Osborne Defendants: Menu Foods, Inc.	D. Connecticut	3:2007cv00469	Robert N. Chatigny

Case Captions	Court	Civil Action No.	Judge
Plaintiffs: Maria Teresa Ferrarese Defendants: Menu Foods Inc., Menu Foods Midwest Corporation, Menu Foods Income Fund and Menu Foods Limited	M.D. Florida	2:2007cv00235	John E. Steele
Plaintiffs: Satoru Waldhauer Defendants: Menu Foods Inc., Menu Foods Income Fund and Wal-Mart Corporation	N.D. Florida	3:2007cv00131	M. Casey Rodgers
Plaintiffs: Christina Troiano Defendants: Menu Foods, Inc. and Menu Foods Income Fund	S.D. Florida	0:2007cv60428	James L. Cohn
Plaintiffs: Stephen Donnelly and Jennifer Hirni Defendants: Menu Foods, Inc., Menu Foods Income Fund, Menu Foods Holdings, Inc., Menu Foods Midwest Corporation, Chemnutra Inc., Chemnutra LLC, Xuzhou Anying Biologic Technology Development Company Ltd., Suzhou Textile Import and Export Company	S.D. Florida	1:2007cv20955	Joan A. Lenard
Plaintiffs: Larry Klimes, Paul Lavoie and Richard Mueller Defendants: Menu Foods	D. Idaho	1:2007cv00160	Mikel H. Williams

Case Captions	Court	Civil Action No.	Judge
Plaintiffs: Dawn Majerczyk Defendants: Menu Foods, Inc.	N.D. Illinois	1:2007cv01543	Wayne R. Anderson
Plaintiffs: Mara Brazilian Defendants: Menu Foods Inc., Menu Foods Income Fund, Menu Foods Limited, Menu Foods Midwest Corporation	D. Maine	2:2007cv00054	George Z. Singal
Plaintiffs: Lidia Rodrigues Defendants: Menu Foods Inc., Menu Foods Midwest Corporation, Menu Foods Income Fund and Menu Foods Limited	D. Massachusetts	1:2007cv10745	Edward R. Harrington
Plaintiffs: Stephanie Rozman Defendants: ChemNutra, Inc., Menu Foods Holdings, Inc., Menu Foods, Inc., Menu Foods Income Fund, Menu Foods Limited, Menu Foods Limited, Menu Foods Midwest Corporation, Nutro Products, Inc., PetsMart, Inc., and Petco Animal Supplies Stores, Inc.	D. Minnesota	0:2007cv01808	Ann D. Montgomery
Plaintiffs: Marion Streczyn Defendants: Menu Foods Income Fund, and Menu Foods, Inc.,	D. Nevada	3:2007cv00159	Larry R. Hicks

Case Captions	Court	Civil Action No.	Judge
Plaintiffs: Jared Workman, and Mark and Mona Cohen Defendants: Menu Foods Limited, Menu Foods Inc., and Menu Foods Midwest Corporation	D. New Jersey	1:2007cv01338	Noel L. Hillman
Plaintiffs: Suzanne Thomson and Robert Trautman Defendants: Menu Foods Income Fund and Menu Foods Inc.	D. New Jersey	1:2007cv01360	Noel L. Hillman
Plaintiffs: Larry Wilson Defendants: Menu Foods Holdings, Inc., Menu food Income Fund, Menu Foods Midwest Corporation, Menu Foods, Inc., Suzhou Textile Import and Export Company	D. New Jersey	1:2007cv01456	Noel L. Hillman
Plaintiffs: Paul Richard and Jennifer Richard, Charles Kohler and Alicia Kohler Defendants: Menu Foods Income Fund, Menu Foods Limited, Menu Foods Holdings, Inc., Menu Foods, Inc., Menu Foods Midwest Corporation, Menu Foods South Dakota, Inc., ABC Partnerships, XYZ Corporations	D. New Jersey	1:2007cv01457	Noel L. Hillman
Plaintiffs: Linda Tinker Defendants: Chemnutra, Inc., Menu Foods Income Fund, Menu Foods, Inc.	D. New Jersey	1:2007cv01468	Noel L. Hillman

Case Captions	Court	Civil Action No.	Judge
Plaintiffs: Janice Bomier, Guy Britton, Tammy Matthews Defendants: Menu Foods Income Funds, Menu Foods, Inc. and Menu Foods Midwest Corporation	D. New Jersey	1:2007cv01477	Noel L. Hillman
Plaintiffs: Julie Hidalgo Defendants: Menu Foods, Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation and Menu Foods South Dakota Inc.	D. New Jersey	1:2007cv01488	Noel L. Hillman
Plaintiffs: Alexander Nunez Defendants: Menu Foods Limited, Menu Foods Inc., Menu Foods Midwest Corporation, Menu Foods Income Fund, Menu Foods South Dakota, Inc. and Menu Foods Holdings, Inc.	D. New Jersey	1:2007cv01490	Noel L. Hillman
Plaintiffs: Mark Golding Defendants: Menu Foods Limited, Menu Foods Inc., Menu Foods Midwest Corporation, Menu Foods Income Fund, Menu Foods South Dakota, Inc. and Menu Foods Holdings, Inc.	D. New Jersey	1:2007cv01521	Noel L. Hillman
Plaintiffs: Troy Gagliardi Defendants: Menu Foods, Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation and Menu Foods South Dakota Inc.	D. New Jersey	1:2007cv01522	Noel L. Hillman

Case Captions	Court	Civil Action No.	Judge
Plaintiffs: Kamí Turturro Defendants: Menu Foods, Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation and Menu Foods South Dakota Inc.	D. New Jersey	1:2007cv01523	Noel L. Hillman
Plaintiffs: Peggy Schneider Defendants: Menu Foods, Inc., Menu Foods Limited and Menu Foods Midwest Corporation	D. New Jersey	1:2007cv01533	Noel L. Hillman
Plaintiffs: Leslie Berndt and Jim and Terri Moses Defendants: Menu Foods, Inc., Menu Foods Income Funds, and Menu Foods Midwest Corporation	D. New Jersey	1:2007cv01553	Noel L. Hillman
Plaintiffs: Jayme Pittsonberger Defendants: Menu Foods, Inc., Menu Foods Midwest Corporation, Menu Foods Income Fund and Menu Foods Limited	D. New Jersey	1:2007cv01561	Noel L. Hillman
Plaintiffs: David Carter Defendants: Menu Foods, Inc., Menu Foods Midwest Corporation, Menu Foods Income Fund and Menu Foods Limited	D. New Jersey	1:2007cv01562	Noel L. Hillman

Case Captions	Court	Civil Action No.	Judge
Plaintiffs: Jim Bullock Defendants: Menu Foods, Inc., Menu Foods Midwest Corporation, Menu Foods Income Fund and Menu Foods Limited	D. New Jersey	1:2007cv01579	Noel L. Hillman
Plaintiffs: Christina Johnson Defendants: Menu Foods, Inc.	D. New Jersey	1:2007cv01610	Noel L. Hillman
Plaintiffs: James Conner and Frances Nash Defendants: Menu Foods, Inc., Menu Foods Income Funds, and Menu Foods Midwest Corporation	D. New Jersey	1:2007cv01623	Noel L. Hillman
Plaintiffs: Matt Long Defendants: Menu Foods Income Fund, Menu Foods Limited, Menu Foods Holdings, Inc., Menu Foods, Inc., Menu Foods Midwest Corporation, Chemnutra, Inc.	D. New Jersey	1:2007cv01624	Noel L. Hillman
Plaintiffs: Chantelle Conti and Cheri Cutler Defendants: Menu Foods Limited, Menu Foods Inc., and Menu Foods Midwest Corporation	D. New Jersey	1:2007cv01638	Noel L. Hillman

Case Captions	Court	Civil Action No.	Judge
Plaintiffs: Steven Freeman Defendants: Menu Foods, Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation and Menu Foods South Dakota Inc.	D. New Jersey	1:2007cv01646	Noel L. Hillman
Plaintiffs: Karen Pirches and Dinitrisc Hicks Defendants: Menu Foods Income Fund, Menu Foods Midwest Corporation, Menu Foods South Dakota, Inc., Menu Foods, Inc., Menu Food Limited	D. New Jersey	1:2007cv01685	Noel L. Hillman
Plaintiffs: Diana Diedrich Defendants: Menu Foods, Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation and Menu Foods South Dakota Inc.	D. New Jersey	1:2007cv01700	Noel L. Hillman
Plaintiffs: Todd Sokolwski Defendants: Menu Foodds, Inc., Menu Foods Income Fund, and The Iams Company	D. New Jersey	1:2007cv01709	Noel L. Hillman
Plaintiffs: Michele McCullough Defendants: Menu Foods Income Fund, Menu Foods, Inc, Menu Foods Holdings, Inc., and Menu Foods Midwest Corporation	D. New Jersey	1:2007cv01710	Noel L. Hillman

Case Captions	Court	Civil Action No.	Judge
Plaintiffs: Steve Colquitt and Marianna Cutter Defendants: Menu Foods, Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation and Menu Foods South Dakota Inc.	D. New Jersey	1:2007cv01738	Noel L. Hillman
Plaintiffs: Luke deBarathy Defendants: Menu Foods Income Fund, Menu Foods, Inc, Menu Foods Holdings, Inc., Menu Foods Midwest Corporation, Xuzhou Anying Biologic Technology Development Company Ltd., Suzhou Textile Import and Export Company	D. New Jersey	1:2007cv01739	Noel L. Hillman
Plaintiffs: Loren and Kay Byers, and Camilla Brankov Defendants: Menu Foods Income Fund, Menu Foods, Inc., Menu Foods Midwest Corporation, Menu Food Limited, Menu Foods Operating Limited Partnership and Menu Foods South Dakota Corporation	D. New Jersey	1:2007cv01747	Noel L. Hillman
Plaintiffs: Lynne Carestio Defendants: Menu Foods Limited, Menu Foods, Inc., and Menu Foods Midwest Corporation	D. New Jersey	1:2007cv01762	Noel L. Hillman
Plaintiffs: Gregory Boehm Defendants: Menu Foods, Inc., Menu Foods Genpar Limited (aka Menu Foods Limited) and Menu Foods Income Fund	N.D. Ohio	1:2007cv01018	Peter C. Economus

Case Captions	Court	Civil Action No.	Judge
Plaintiffs: Carol Brown Defendants: Menu Foods, Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation and Menu Foods South Dakota Inc.	D. Rhode Island	1:2007cv00115	Mary M. Lisi
Plaintiffs: Lizajean Holt, donna Lefebvre, Debra LeRoy and Kim Leonard Defendants: Menu Foods, Inc.	E.D. Tennessee	3:2007cv00094	Thomas W. Phillips
Plaintiffs: Barbara Light Defendants: Menu Foods Income Fund	E.D. Tennessee	3:2007cv00098	Thomas W. Phillips
Plaintiffs: Tom Whaley Defendants: Menu Foods, The Iams Company, Dog Food Producers Numbers 1-50 and Cat Food Producers Numbers 1-50	W.D. Washington	2:2007cv00411	Ricardo S. Martinez
Plaintiffs: Stacey Heller, Toinette Robinson, David Rapp, and Cecily and Terrence Mitchell Defendants: Menu Foods	W.D. Washington	2:2007cv00453	John C. Coughenour
Plaintiffs: Audrey Kornelius and Barbara Smith Defendants: Menu Foods	W.D. Washington	2:2007cv00454	Marsh J. Pechman

Case Captions	Court	Civil Action No.	Judge
Plaintiffs: Suzanne F. Johnson and Craig R. Klemann Defendants: Menu Foods	W.D. Washington	2:2007cv00455	John C. Coughenour
Plaintiffs: Michele Suggett and Don James Defendants: Menu Foods, The Iams Company, Eukanuba, Dog Food Producers Numbers 1-50 and Cat Food Producers Numbers 1-50	W.D. Washington	2:2007cv00457	Ricardo S. Martinez

EXHIBIT “A”

PRESS RELEASE

MENU FOODS INCOME FUND**Menu Foods Income Fund**

TSX:

MEW.UN

[Stock Quote](#) [Stock Chart](#)[Other Recent News](#)**March 16, 2007****Menu Foods Income Fund Announces Precautionary Dog and Cat Food Recall**

TORONTO, ONTARIO--(CCNMatthews - March 16, 2007) -

NOT FOR RELEASE OVER US NEWSWIRE SERVICES

Attention Business/Financial Editors

Menu Foods Income Fund (the "Fund") (TSX:MEW.UN) today announced the precautionary recall of a portion of the dog and cat food it manufactured between December 3, 2006 and March 6, 2007. The recall is limited to "cuts and gravy" style pet food in cans and pouches manufactured at two of the Fund's United States facilities. These products are both manufactured and sold under private-label and are contract-manufactured for some national brands.

Over the past several days, the Fund has received feedback in the United States (none in Canada) raising concerns about pet food manufactured since early December, and its impact on the renal health of the pets consuming the products. Shortly after receipt of the first complaint, the Fund initiated a substantial battery of technical tests, conducted by both internal and external specialists, but has failed to identify any issues with the products in question. The Fund has, however, discovered that timing of the production associated with these complaints, coincides with the introduction of an ingredient from a new supplier. The Fund stopped using this ingredient shortly after this discovery and production since then has been undertaken using ingredients from another source.

At the same time, the Fund's largest customer, for which it manufactures on a contract basis, received a small number of consumer complaints and has initiated its own recall. Furthermore, for the time being, the customer has put future orders for cuts and gravy products on hold. This customer's cuts and gravy purchases in 2006 represented approximately 11% of the Fund's annual revenue.

"We take these complaints very seriously and, while we are still looking for a specific cause, we are acting to err on the side of caution" said Paul K. Henderson, President and CEO, Menu Foods. "We will do whatever is necessary to ensure that our products maintain the very highest quality standards."

While the number of complaints has been relatively small, Menu is taking this proactive step out of an abundance of caution, because the health and well-being of pets is paramount to the Fund.

In addition to changing suppliers, for production after March 6, the Fund has increased testing of all raw materials and finished goods. It is also working closely with regulatory authorities and its customers to learn more and will take whatever additional actions are appropriate. The Fund estimates that based on currently available information, this recall could cost between \$30 million and \$40 million, which will be financed from a combination of internally generated cash flow and bank credit facilities. Furthermore, the Fund is aggressively producing product, utilizing a different supplier for the ingredient in question, to replenish customers as quickly as possible.

In order to determine whether cat and dog food in their possession is subject to recall, consumers should refer to the list of brand names ("listed products") at www.menufoods.com/recall. This will be available by 6 a.m. Saturday March 17, 2007. Products not identified on the website can continue to be used.

Menu is the leading North American private-label/contract manufacturer of wet pet food products sold by supermarket retailers, mass merchandisers, pet specialty retailers and other retail and wholesale outlets. In 2006, the Fund produced more than one billion containers.

CONTACT INFORMATION

Menu Foods Income Fund

Menu Foods Income Fund

Consumers

1-866-895-2708

Website: www.menufoods.com

EXHIBIT “B”



PRESS RELEASE

Menu Foods Income Fund

TSX: MEW.UN

INDUSTRY: Financial Services - Personal Finance, Retail - Consumer Interest

MENU FOODS INCOME FUND

MARCH 24, 2007 - 14:09 ET

Menu Foods Initiates Market Withdrawal of All Varieties of Recalled Wet Pet Food to Ensure Consumer Protection

TORONTO, ONTARIO--(CCNMatthews - March 24, 2007) - As a result of reports from the FDA and various media outlets that some recalled lots of "cuts and gravy" style wet pet food remain on store shelves, Menu Foods has asked all retail outlets to immediately remove all impacted varieties of wet pet food posted at www.menufoods.com , regardless of the date code.

Menu Foods remains concerned that consumers are able to purchase recalled items.

There is no known risk from items not listed on the recall list but an abundance of caution is called for in this situation. FDA has been apprised of this action.

CONTACT INFORMATION

EXHIBIT “C”

All Menu Foods pet food with ChemNutra wheat gluten voluntarily recalled

TORONTO, April 5 /PRNewswire/ - In response to a news release - issued by ChemNutra Inc. during the evening of April 3, 2007 - Menu Foods today voluntarily expanded its pet food recall for selected "cuts and gravy" pet food products, manufactured back to November 8, 2006.

ChemNutra Inc., a former supplier of wheat gluten to Menu Foods, announced a recall of all wheat gluten it imported from Xuzhou Anying Biologic Technology Development Co. in Wangdian, China. As a result, Menu Foods today announced an expansion of its recall to include all products manufactured with wheat gluten purchased from ChemNutra Inc. which Menu Foods' records show was first used on November 8, 2006 and last used on March 6, 2007.

As a result of actions previously taken by Menu Foods, the vast majority of the products affected by this expansion are already off retailers' shelves. No new brands have been added. A total of 20 varieties have been added to the recall list and the additional varieties are listed below. All Menu Foods products not made with the recalled wheat gluten are safe to consume.

A complete and updated list of recalled products is available at the Menu Foods website at <http://www.menufoods.com>.

Cat Food

Brand	Look For This Date The Bottom of Can or Back of Pouch	Variety Description	Can or Pouch	Size	UPC
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Authority

Nov/20/09 Nov/21/09	Adult Sliced Chicken/Sauce Formula 3oz	Can	3oz	37257-37359
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Nutro Max Cat Gourmet Classics

Nov/21/08 Nov/22/08	Pouch Kitten Chicken/Tomato 3oz	Pouch	3oz	79105-36263
Nov/21/08 Nov/22/08	Pouch Senior Whitefish/Crab 3oz	Pouch	3oz	79105-36265

Pet Pride

Nov/21/09 Nov/22/09	Flaked Tuna 3oz	Can	3oz	11110-80472
Nov/20/09	Sliced Chicken/Heart/Liver 3oz	Can	3oz	11110-86261

Nov/21/09				
Nov/20/09	Sliced Turkey/Gravy 3oz	Can	3oz	11110-86257
Nov/21/09				
Nov/20/09	Sliced Beef/Gravy 3oz	Can	3oz	11110-86264
Nov/21/09				

Sophistacat

Nov/21/09	Flaked Chicken/Tuna 3oz	Can	3oz	37257-01287
Nov/22/09				
Nov/20/09	Sliced Beef/Gravy 3oz	Can	3oz	37257-01243
Nov/21/09				
Nov/20/09	Sliced Chicken/Heart/Liver 3oz	Can	3oz	37257-01285
Nov/21/09				
Nov/20/09	Sliced Salmon/Chicken 3oz	Can	3oz	37257-01286
Nov/21/09				

Science Diet Feline Savory Cuts Can (Hill's Pet Nutrition April 5, 2007 Comment on Industry News)

Jun/19/08	Sliced Beef/Gravy 3oz	Can	3oz	52742-44120
Jun/20/08				
Jun/19/08	Sliced Chicken/Grvy 3oz	Can	3oz	52742-44110
Jun/20/08				
Jun/19/08	Sliced Oceanfish/Sauce 3oz	Can	3oz	52742-44010
Jun/20/08				
Jun/19/08	Sliced Senior Chicken/Gravy 3oz	Can	3oz	52742-46000
Jun/20/08				

Dog Food

Brand	Look For This Date The Bottom of Can or Back of Pouch	Variety Description	Can or Pouch	Size	UPC
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Grreat Choice

Nov/14/09	London Grill Cuts 13.2oz	Can	13.2oz	37257-37002
Nov/15/09				

Pet Pride

Nov/28/08	Pouch Chicken Teriyaki/Gravy 5.3oz	Pouch	5.3oz	11110-84172
Nov/29/08				
Dec/01/08	Pouch With Stew 5.3oz	Pouch	5.3oz	11110-88124

Dec/02/08

Springfield Prize

	Chicken Cuts/Gravy			
Nov/14/09	13.2oz	Can	13.2oz	41380-13901
Nov/15/09				

Stater Brothers

	Chicken Cuts/Gravy			
Nov/14/09	13.2oz	Can	13.2oz	74175-12240
Nov/15/09				

EXHIBIT “D”

Menu Foods voluntarily recalls additional pet food made with ChemNutra wheat gluten

TORONTO, April 10 /PRNewswire/ - Prompted by reports from the US Food and Drug Administration as to the presence of melamine in cans of cuts and gravy pet food produced in Menu Foods' Canadian production facility, Menu Foods undertook an accounting of all recalled wheat gluten supplied by ChemNutra Inc. to Menu Foods in the United States.

As the result of that review, Menu Foods has identified a single interplant transfer of the ChemNutra supplied wheat gluten, shipped from Menu Foods' plant in Emporia, Kansas, to its plant in Streetsville, Ontario. This wheat gluten was subsequently used in the production of pet food in December, 2006 and January, 2007, which is being recalled by Menu Foods.

The new varieties in the United States and Canada have been added to the recall list. The latest recall group is listed below, and a complete list of recalled products, including the new items can be reviewed at <http://www.menufoods.com>.

Cat Food

Brand	Look For This Date On The Bottom of Can or Back of Pouch	Variety Description	Can / Pouch	Size	UPC
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Americas Choice, Preferred Pet

Jan/2/10	Flaked Tuna 3oz	Can	3oz	54807-59114
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Your Pet

Dec/19/09 Jan/24/10	Sliced Beef/Gravy 3oz	Can	3oz	72036-29026
Nov 06 09	Sliced Variety Pack 3oz	Can	3oz	72036-40013

Pet Pride

Dec/19/09 Jan/24/10	Sliced Beef/Gravy 3oz	Can	3oz	11110-86264
Nov 06 09 Dec 05 09 Dec 06 09 Jan 23 10 Jan 24 10	Sliced Variety Pack 3oz	Can	3oz	11110-86003

Laura Lynn

Jan/2/10	Flaked Tuna 3oz	Can	3oz	86854-02407
Dec/19/09	Sliced Beef/Gravy 3oz	Can	3oz	86854-02406

Nutriplan

Dec/19/09	Sliced Beef/Gravy 3oz	Can	3oz	41130-06755
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Price Chopper

Dec/19/09	Sliced Beef/Gravy 3oz	Can	3oz	41735-12828
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Publix

Jan/2/10	Flaked Tuna 3oz	Can	3oz	41415-08327
Dec/19/09	Sliced Beef/Gravy 3oz	Can	3oz	41415-08827
Jan/2/10				
Jan/24/10				

Stop & Shop Companion

Jan/2/10	Flaked Tuna 3oz	Can	3oz	88267-00286
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Winn Dixie

Dec/19/09	Sliced Beef/Gravy 3oz	Can	3oz	21140-19419
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Nutro Products

All Dates	Chicken Cacciatore 3oz	Can	3oz	79105-35205
All Dates	Orleans Seafood Jambalaya 3oz	Can	3oz	79105-35206
All Dates	Beef Ragout 3oz	Can	3oz	79105-35207
All Dates	Alaskan Halibut/Rice 3oz	Can	3oz	79105-35221
All Dates	Kitten Chicken/Lamb 3oz	Can	3oz	79105-35202
All Dates	California Chicken 3oz	Can	3oz	79105-30011
All Dates	Lamb/Turkey Cutlets 3oz	Can	3oz	79105-30014
All Dates	Salmon/Whitefish 3oz	Can	3oz	79105-30013
All Dates	Beef/Egg 3oz	Can	3oz	79105-30015
All Dates	Turkey/Chicken Liver 3oz	Can	3oz	79105-30016
All Dates	Seafood/Tomato/Bisque 3oz	Can	3oz	79105-30017
All Dates	Hunters Stew with Duck 3oz	Can	3oz	79105-30018
All Dates	Hunters Stew with Venison 3oz	Can	3oz	79105-30019

EXHIBIT “E”

April 17, 2007

Menu Foods Refines Recall List

TORONTO, ONTARIO--(April 17, 2007) - Menu Foods

Attention Business/Financial Editors

Menu Foods has previously recalled wet cat and dog food produced with adulterated wheat gluten supplied by ChemNutra Inc. Over the past several days, Menu Foods continued a detailed analysis of production records at its Emporia, Kansas, plant as part of the US Food and Drug Administration's ongoing investigation of this adulterated wheat gluten. As a result of this work, Menu Foods advises the public:

- One additional item has been added to the recall list and is shown below
- Two additional production dates of eight varieties of pet food have been added to the recall list. These eight varieties of pet food had previously been withdrawn from the market and should already be off the retailer shelves.

An updated list of the recalled products, including this addition, is available at the Menu Foods website at <http://www.menufoods.com>.

Dog Food

Brand	Look For This Date On The Bottom of Can or Back of Pouch	Variety Description	Can / Pouch	Size	UPC
Natural Life	Nov/22/09	Vegetarian 13.2oz	Can	13.2oz	12344-07114

Menu Foods
 Consumers
 1-866-895-2708
 Website: www.menufoods.com

EXHIBIT “F”



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Purina to voluntarily withdraw Mighty Dog® 5.3 ounce pouch products in response to Menu Foods recall

No other Purina products affected

St. Louis, Missouri, March 16, 2007

Nestlé Purina PetCare Company today announced that as a precautionary measure, it is voluntarily withdrawing its 5.3 ounce Mighty Dog® brand pouch products that were produced by Menu Foods, Inc. from December 3, 2006** through March 14, 2007. This withdrawal is in response to the recall initiated earlier today by Menu Foods, a contract manufacturer that does limited business with Purina as well as with other pet food manufacturers. Only Mighty Dog 5.3 ounce pouch products are being withdrawn by Nestlé Purina, including those pouches contained in multi-packs. Importantly, no Mighty Dog canned products, or any other Purina products are affected by Menu's recall.

While Purina has no indication of any product quality or safety issues specifically related to our Mighty Dog pouch products, Purina is taking this proactive action out of an abundance of caution in response to the Menu Foods recall.

Consumers who have the indicated Mighty Dog 5.3 ounce pouch products should discontinue feeding them to their dogs and can receive the full replacement value of the withdrawn products by calling 1-800-551-7392.

The Mighty Dog pouch products and pouches in multi-pack cartons have code dates of 6312 through 7073, followed by the plant code 1798. This information should be checked on the bottom or back panel of the individual pouches. Specifically, if the code following the "Use By" date begins with four numbers from 6312 to 7073 followed by the plant code 1798, then the pouch is included in this voluntary withdrawal.

Purina regrets any inconvenience and apologizes for any concern caused by this product withdrawal. The Company will continue to take any and all actions necessary to ensure the quality and safety of our products.

** On April 5, 2007, Menu Foods amended its recall to include all cuts and gravy pet food products produced by Menu from November 8, 2006, through March 14, 2007. This amendment does not affect Nestlé Purina's voluntary recall of Mighty Dog brand pouch products, as directions previously given by Nestlé Purina were to remove all Mighty Dog pouch products from retail shelf, regardless of date code.

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EXHIBIT “G”



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An Update from Nestlé Purina PetCare Company About the Menu Foods Recall

March 23, 2007

We at Nestlé Purina PetCare Company know the reports of pet food recalls and withdrawals over the past week have been very concerning and at times confusing for pet owners, who want to ensure the safety of the food they are feeding their beloved pets.

We want to take this opportunity to reassure you that *Mighty Dog* pouch products are the **ONLY Purina®** brand products affected by Menu Foods' recall. Nestlé Purina stands behind the high-quality of our pet foods, and all **Purina brand cat food products** and all other **Purina brand dog food products**, including *Mighty Dog* canned products, can continue to be fed to your pets with complete confidence.

On Friday, March 16, Nestlé Purina PetCare issued its [press release](#) announcing the voluntary withdrawal of our *Mighty Dog®* brand pouch-packaged products that were produced by Menu Foods from Dec. 3, 2006**, through March 14, 2007. While we had no indication of any product quality or safety issues specifically related to our *Mighty Dog* pouch products at that time, we are proactively withdrawing these products as a precautionary measure, because the well-being of pets and the safety and efficacy of our products are our top priorities.

We also want to apologize for any difficulty you may have had in reaching us by phone this week. While we have dedicated numerous additional phone lines, people and other resources exclusively for this purpose, we understand that the volume of calls still has occasionally exceeded our system capacity.

We have prepared some [Frequently Asked Questions](#) that may be helpful to your understanding of this situation, and we will update these questions as more information becomes available. If you have other questions or concerns, please continue to call our Office of Consumer Affairs directly at 1-800-551-7392.

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EXHIBIT “H”


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Alpo® Brand Prime Cuts In Gravy Canned Dog Food Voluntary Nationwide Recall

No Dry Purina Products Involved

St. Louis, Missouri, March 30, 2007

Nestlé Purina PetCare Company today announced it is voluntarily recalling all sizes and varieties of its ALPO® Prime Cuts in Gravy wet dog food with specific date codes. The Company is taking this voluntary action after learning today that wheat gluten containing melamine, a substance not approved for use in food, was provided to Purina by the same company that also supplied Menu Foods. The contamination occurred in a limited production quantity at only one of Purina's 17 pet food manufacturing facilities.

Earlier today the FDA announced the finding of melamine in products related to the March 16 Menu Foods recall, and advised Purina of the source of the contaminated supply. Purina then determined that it had received some quantity from the suspect supplier. The company proactively notified the FDA and immediately began this recall process.

Purina is confident that the contaminated wheat gluten has been isolated to this limited production quantity of ALPO Prime Cuts canned products.

The recalled 13.2-ounce and 22-ounce ALPO Prime Cuts cans and 6-, 8-, 12- and 24-can ALPO Prime Cuts Variety Packs have four-digit code dates of 7037 through 7053, followed by the plant code 1159. Those codes follow a "Best Before Feb. 2009" date.** This information should be checked on the bottom of the can or the top or side of the multi-pack cartons.

Purina's 5.3-ounce *Mighty Dog*® pouch products, manufactured by Menu Foods, were previously withdrawn from the market as a precaution on March 16 as part of the Menu Foods recall. ONLY *Mighty Dog* pouch products and specific date codes of ALPO Prime Cuts canned dog food are being recalled.

Importantly, no Purina brand dry pet foods are affected by the recall - including ALPO Prime Cuts dry. In addition, no other Purina dog food products, no Purina cat food products, Purina treat products or Purina Veterinary Diet products are included in this recall, nor have been impacted by the contaminated wheat gluten supply.

Consumers should immediately stop feeding ALPO Prime Cuts products with the above-listed date codes to their dogs and consult with a veterinarian if they have any health concerns with their pet.

Purina guarantees all of its products, and consumers can receive the full replacement value of the recalled products. Consumers can visit us at www.purina.com or call 1-800-218-5898 to receive more information.

Purina is fully cooperating with the FDA and made the decision to voluntarily recall this product in consultation with the FDA.

At Purina, nothing is more important to us than the health and well-being of the pets whose nutrition has been entrusted to us by their owners, and we deeply regret this unfortunate situation. We will continue to take any and all actions necessary to ensure the quality and safety of our products.

** Due to a product name change in early 2007, this voluntary recall also covers one item with the same date code labeled as ALPO® Prime Entrees in Gravy with Chicken, Rotini Pasta & Vegetables.

[Recall questions? View our FAQ page](#)

Press Release - March 28, 2007

[Press Release - March 23, 2007](#)

[Press Release - March 16, 2007](#)

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EXHIBIT “I”

Del Monte Pet Products Voluntarily Withdraws Specific Product Codes of Pet Treats and Wet Dog Food Products in the United States

» Recalled Products in Canada [Click Here](#)

April 6, 2007—As a precautionary measure, Del Monte Pet Products is voluntarily recalling select product codes of its pet treat products sold under the *Jerky Treats®*, *Gravy Train® Beef Sticks* and *Pounce Meaty Morsels®* brands as well as select dog snack and wet dog food products sold under private label brands. A complete list of affected brands and products is below.

No other Del Monte Pet Products treats, biscuits or wet dog food products are impacted by this recall, and no Del Monte dry cat food, dry dog food, wet cat food or pouched pet foods are subject to this voluntary recall.

The Company took this voluntary recall action immediately after learning from the FDA that wheat gluten supplied to Del Monte Pet Products from a specific manufacturing facility in China contained melamine. Melamine is a substance not approved for use in food. The FDA made this finding as part of its ongoing investigation into the recent pet food recall. Del Monte Pet Products has proactively engaged and fully cooperated with the FDA since the start of its investigation.

Del Monte Pet Products has not used wheat gluten from this manufacturing facility in China in any other pet products except those described below. The adulterated ingredients were used in a limited production quantity over the last three months for those items identified by specific product codes below. This recall removes all Del Monte Pet Products with wheat gluten procured from this manufacturing facility from retail shelves. Del Monte did not use product from this supplier prior to the recall period in question and has since discontinued sourcing product from this manufacturing facility.

Consumers should discontinue feeding the products with the Product Codes detailed below to their pets.

Del Monte Pet Products are 100% guaranteed and all voluntarily recalled products will be refunded.

Del Monte Pet Products customers can contact our Consumer Hotline at (800) 949-3799 for further information about the recall and for instructions on obtaining a product refund. Consumers can also click on the "**Contact Us**" button and submit the Contact Us form, including UPC number, product name, Best By Date, and manufacturing code information (located under the Best By date). Consumers may also write to us at:

Del Monte
P.O. Box 80
Pittsburgh PA 15230-0080

Following is a COMPLETE and UPDATED list of Del Monte Pet Products and Best Buy Dates that have been voluntarily recalled in the United States.

BRANDED

Jerky Treats Beef Flavor Dog Snacks*

* *Jerky Treats No Wheat Beef (production code TP7B06) is not part of the recall*

Production Code/Best By Date

Code:	TP7B06	TP7B07	TP7B08	TP7B09	TP7B10
Best By:	Aug 06 08	Aug 07 08	Aug 08 08	Aug 09 08	Aug 10 08

Code:	TP7B15	TP7B16	TP7C05	TP7C06
Best By:	Aug 15 08	Aug 16 08	Sep 02 08	Sep 03 08

Gravy Train Beef Sticks Dog Snacks

Code:	TP7B19	TP7B20
Best By:	Aug 19 08	Aug 20 08

Pounce Meaty Morsels Moist Chicken Flavor Cat Treats

Code:	TP7C12
Best By:	Sep 09 08

PRIVATE LABEL**Production Code/Best By Date****Ol' Roy Beef Flavor Jerky Strips Dog Treats**

Code: TP7B06 TP7B07 TP7B08 TP7C05 TP7C06
 Best By: Aug 06 08 Aug 07 08 Aug 08 08 Sep 02 08 Sep 03 08

Code: TP7C07 TP7C08
 Best By: Sep 04 08 Sep 05 08

Ol' Roy Beef Flavor Snack Sticks Dog Treats

Code: TP7B19 TP7B20 TP7B21 TP7C08 TP7C09
 Best By: Aug 19 08 Aug 20 08 Aug 21 08 Sep 05 08 Sep 06 08

Code: TP7C10
 Best By: Sep 07 08

Ol' Roy with Beef Hearty Cuts in Gravy Dog Food

Code: BC6M21
 Best By: Dec 21 09

Ol' Roy with Beef Hearty Strips in Gravy Dog Food

Code: BC7A19
 Best By: Jan 19 10

Ol' Roy Country Stew Hearty Cuts in Gravy Dog Food

Code: BC6M15
 Best By: Dec 15 09

Dollar General Beef Flavored Jerky Strips Dog Treats

Code: TP7C05 TP7C06 TP7C07 TP7C08
 Best By: Sep 02 08 Sep 03 08 Sep 04 08 Sep 05 08

Dollar General Beef Flavored Beef Sticks Dog Treats

Code: TP7B20 TP7B21 TP7C08 TP7C09 TP7C10
 Best By: Aug 20 08 Aug 21 08 Sep 05 08 Sep 06 08 Sep 07 08

Happy Tails Beef Flavor Jerky Strips

Code: TP7B08 TP7B09
 Best By: Aug 08 08 Aug 09 08

Happy Tails Meaty Cuts with Beef in Gravy Dog Food

Code: BC7A29
 Best By: Jan 29 10

Happy Tails Beef Flavor Beef Sticks

Code: TP7C08 TP7C09
 Best By: Sep 05 08 Sep 06 08

Recalled Products in Canada**DLM Foods Canada Corp. Voluntarily Withdraws *Jerky Treats* Dog Snacks Beef Flavour with the Best Before Date of 16.08.08**

TORONTO, April 2, 2007 - As a precautionary measure, DLM Foods Canada Corp. is voluntarily withdrawing *Jerky Treats*® Dog Treats Beef Flavour with the best before date of 16.08.08. Consumers should discontinue feeding this product and return affected products to their store for a refund. No other DLM Foods Canada Corp. products are subject to this voluntary withdrawal.

The Company took this voluntary withdrawal action after learning from the U.S. Food & Drug Administration (FDA) that wheat gluten supplied to DLM Foods Canada Corp. from a specific manufacturing facility in China contained melamine. Melamine is a substance not approved for use in food in the United States. The FDA made this finding as part of its ongoing investigation into the recent pet food recall in the United States. DLM Foods Canada Corp. conferred with the Canadian Food Inspection Agency today to coordinate the details of this voluntary withdrawal as it applied to the Canadian market.

The adulteration occurred in a limited production quantity indicated by the one best before date of *Jerky Treats* Dog Treats Beef Flavour product line mentioned above. This withdrawal removes all DLM Foods Canada Corp. pet products

with wheat gluten procured from this manufacturing facility from retail shelves.

No other DLM Foods Canada Corp. products are subject to this voluntary withdrawal. The affected products comprise less than one-tenth of one percent of DLM Foods Canada Corp. annual pet food and pet treat production.

DLM Foods Canada Corp. has not used wheat gluten from this manufacturing facility in China in any other pet products except those described above.

DLM Foods Canada Corp. products are 100% guaranteed and all returned product will be refunded. For further information about DLM Foods Canada Corp. consumers can contact our Consumer Affairs at 1-866-657-6929.

As part of the pet community, we value the health and well-being of pets, and we deeply regret this situation. We will continue to take any and all actions necessary to ensure the quality and safety of our products.

EXHIBIT “J”

U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

			12-MONTH PERIOD ENDING SEPTEMBER 30							
CALIFORNIA CENTRAL			2006	2005	2004	2003	2002	2001	Numerical Standing	
OVERALL CASELOAD STATISTICS	Filings*		12,909	14,630	16,938	14,720	15,440	15,342	U.S.	Circuit
	Terminations		13,680	16,173	15,269	15,800	16,936	16,906		
	Pending		12,401	13,180	14,720	13,129	14,525	16,142		
	% Change in Total Filings	Over Last Year	-11.8						83	13
		Over Earlier Years			-23.8	-12.3	-16.4	-15.9	81	13
Number of Judgeships			28	28	28	28	27	27		
Vacant Judgeship Months**			53.9	24.8	2.3	23.6	63.9	57.3		
ACTIONS PER JUDGESHIP	FILINGS	Total	461	523	605	526	572	568	36	7
		Civil	397	450	515	451	490	521	18	4
		Criminal Felony	36	45	60	49	58	47	84	14
		Supervised Release Hearings**	28	28	30	26	24	-	30	11
	Pending Cases		443	471	526	469	538	598	26	7
	Weighted Filings**		518	565	651	590	584	557	24	6
	Terminations		489	578	545	564	627	626	32	7
	Trials Completed		12	13	12	14	12	14	79	11
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	12.4	10.3	8.2	9.4	8.6	9.1	82	14
		Civil**	7.2	7.4	7.3	7.5	7.9	7.1	10	2
	From Filing to Trial** (Civil Only)		21.3	20.5	17.8	21.2	20.0	21.0	29	4
OTHER	Civil Cases Over 3 Years Old**	Number	1,240	809	624	609	650	541		
		Percentage	11.6	7.2	5.0	5.4	5.2	3.8	79	14
	Average Number of Felony Defendants Filed Per Case		1.6	1.5	1.4	1.4	1.4	1.5		
	Jurors	Avg. Present for Jury Selection	64.08	47.33	49.01	49.49	54.63	61.75		
		Percent Not Selected or Challenged	55.7	48.3	49.4	51.6	55.5	58.8		

2006 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	11104	994	211	2833	274	58	754	1330	497	1425	1188	80	1460
Criminal*	999	3	151	234	88	228	54	46	43	43	25	35	49

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.

** See "Explanation of Selected Terms."

EXHIBIT “K”

U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

						12-MONTH PERIOD ENDING SEPTEMBER 30							
NEW JERSEY						2006	2005	2004	2003	2002	2001	Numerical Standing	
OVERALL CASELOAD STATISTICS	Filings*					7,275	7,539	7,567	7,270	7,555	6,972	U.S.	Circuit
	Terminations					7,480	7,605	7,373	6,998	7,125	7,057		
	Pending					6,855	6,987	6,986	6,765	6,538	6,101		
	% Change in Total Filings	Over Last Year					-3.5					43	3
		Over Earlier Years					-3.9	.1	-3.7	4.3	45	4	
Number of Judgeships						17	17	17	17	17	17		
Vacant Judgeship Months**						32.3	27.8	12.0	11.0	47.8	7.5		
ACTIONS PER JUDGESHIP	FILINGS	Total	428	444	446	428	445	410	46	3			
		Civil	369	387	390	370	387	369	29	3			
		Criminal Felony	51	48	46	48	49	41	70	3			
		Supervised Release Hearings**	8	9	10	10	9	-	85	3			
	Pending Cases					403	411	411	398	385	359	38	4
	Weighted Filings**					481	493	500	486	482	463	33	2
	Terminations					440	447	434	412	419	415	48	3
	Trials Completed					11	10	10	10	12	11	86	6
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	12.1	10.0	9.8	9.0	9.4	8.0	81	5			
		Civil**	8.2	7.3	7.6	7.9	8.4	7.5	21	3			
	From Filing to Trial** (Civil Only)					33.0	36.7	33.4	33.8	30.0	33.0	68	4
OTHER	Civil Cases Over 3 Years Old**	Number	306	346	252	236	231	179					
		Percentage	5.2	5.7	4.2	4.0	4.0	3.3	41	3			
	Average Number of Felony Defendants Filed Per Case					1.2	1.3	1.2	1.2	1.2	1.2		
	Jurors	Avg. Present for Jury Selection	88.98	75.41	40.79	51.72	41.77	51.55					
		Percent Not Selected or Challenged	39.2	38.3	24.1	40.3	37.7	38.9					

2006 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE

Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	6274	240	343	904	82	26	845	1031	721	377	869	39	797
Criminal*	862	3	268	48	124	176	53	39	19	22	27	28	55

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while Filings "By Nature of Offense" do not.

** See "Explanation of Selected Terms."

DECLARATION OF SERVICE BY MAIL

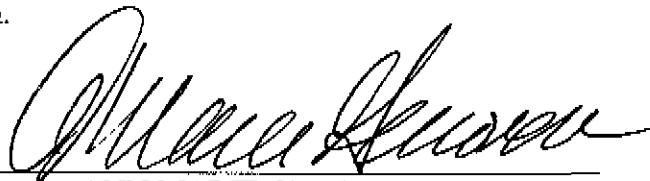
I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, employed in the County of Los Angeles, over the age of 18 years, and not a party to or interest in the within action; that declarant's business address is One California Plaza, 300 South Grand Avenue, Suite 3900, Los Angeles, California 90071-3149.

2. That on April 27, 2007, declarant served the PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION FOR TRANSFER OF ACTIONS TO THE CENTRAL DISTRICT OF CALIFORNIA AND FOR CONSOLIDATED OR COORDINATED PRETRIAL PROCEEDINGS PURSUANT TO 28 U.S.C. §1407 by depositing a true copy thereof in a United States mailbox at Los Angeles, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 27th day of April, 2007, at Los Angeles, California.

A handwritten signature in black ink, appearing to read "Ann Marie Genovese", written over a horizontal line.

ANN MARIE GENOVESE

MENU FOODS
MDL Docket No. 1850
Service List

<i>Counsel for Defendants</i>	
--------------------------------------	--

Lead Attorney Representing actions in New Jersey ***Menu Foods Midwest Corporation***

Gerard H. Hanson
HILL WALLACK
202 Carnegie Center
Princeton, NJ 08543-5226
Telephone: (609) 924-0808
Email: ghh@hillwallack.com

Menu Foods, Inc.

Menu Foods Income Fund

Menu Foods Limited

Menu Foods South Dakota, Inc.

Menu Foods Holdings, Inc.

Lead Attorney Representing actions in Arkansas

Menu Foods

Christy Comstock
21 West Mountain Street, Suite 300
Fayetteville, AR 72701
Telephone: (479) 582-3382
Email: ccomstock@joneslawfirm.com

Menu Foods Holdings, Inc

Menu Foods Midwest Corporation

Menu Foods South Dakota Inc.

Menu Foods, Inc.

Menu Foods Income Fund

Menu Foods Gen Par Limited

Menu Foods Limited Partnership

Menu Foods Operating Partnership

Lead Attorney Representing actions in Arkansas

Wal-Mart Stores, Inc.

Marshall S. Ney
MITCHELL, WILLIAMS, SELIG, GATES &
WOODYARD, PLLC
5414 Pinnacle Point Drive, Suite 500
Rogers, AR 72758
Telephone: (479) 273-9561
Facsimile: (479) 273-0527
Email: mney@mwsgw.com

**Lead Attorney Representing actions in
Washington**

Menu Foods

Jeffrey T. Kestle
Gary A. Trabolsi
GARDNER BOND TRABOLSI ST LOUIS &
CLEMENT
2200 6th Avenue, Suite 600
Seattle, WA 98121
Telephone: (206) 256-6309
Email: jkestle@gardnerbond.com
gtrabolsi@gardnerbond.com

Lead Attorney Representing actions in Colorado

Menu Foods Holdings, Inc.

Rachel Laine Carnaggio
GODFREY & LAPUYADE, P.C.
9557 S. Kingston Court
Englewood, CO 80112-5952
Telephone: (303) 228-0700
Facsimile: (303) 228-0701
Email: carnaggio@godlap.com

Menu Foods, Inc.

Menu Foods Income Fund

Menu Foods Limited

Menu Foods Midwest Corporation

**Lead Attorney Representing actions in
Connecticut**

Menu Foods Inc.

Matthew G. Conway
Jennifer Katz
CONWAY & STOUGHTON
818 Farmington Avenue
West Hartford, CT 06119
Telephone: (860) 523-8000
Facsimile: (860) 523-8002
Email: mconway@conwaystoughton.com
jkatz@conwaystoughton.com

Lead Attorney Representing actions in Florida

Menu Foods Income Fund

Robert Dewitt McIntosh
ADORNO & YOSS
888 SE 3rd Avenue, Suite 500
Fort Lauderdale, FL 33335-9002
Telephone (954) 523-5885
Facsimile: (954) 760-9531
Email: rdm@adorno.com

Menu Foods, Inc.

Lead Attorney Representing actions filed in Idaho *Menu Foods (Canada)*

Stephen R. Thomas
MOFFATT THOMAS BARRETT ROCK & FIELDS
P.O. Box 829
Boise, ID 83701
Telephone: (208) 345-2000
Facsimile: (208) 385-5384
Email: srt@moffatt.com

Lead Attorneys Representing actions filed in Illinois

Edward B. Ruff, III
Priya K. Jesani
Michael Patrick Turiello
PRETZEL & STOUFFER, Chtd.
One South Wacker Drive
Suite 2200
Chicago, IL 60606-4673
Telephone: (312) 346-1973
Email: eruff@pretzel-stouffer.com
pjesani@pretzel-stouffer.com

Menu Foods Acquisition Inc.

Menu Foods Holdings, Inc.

Menu Foods Income Fund

Menu Foods Limited

Menu Foods Limited Partnership

Menu Foods Midwest Corporation

Menu Foods Operating Trust

Menu Foods, Inc.

Lead Attorney Representing actions filed in Nevada

Charles W. Spann
PERRY & SPANN
6130 Plumas Street
Reno, NV 89509
Telephone: (775) 829-2002
Facsimile: (705) 829-1808
Email: cspann@perryspann.com

Menu Foods, Inc.

Menu Foods Income Fund

Lead Attorney Representing actions filed in Rhode Island

Thomas C. Angelone
HODOSH, SPINELLA & ANGELONE PC
One Turks Head Place, Suite 1050
Providence, RI 02903
Telephone: (401) 274-0200
Facsimile: (401) 274-7538
Email: angelonelaw@aol.com

Menu Foods Income Fund

Menu Foods Midwest Corporation

Menu Foods South Dakota, Inc.

Menu Foods, Inc.

Lead Attorney Representing actions filed in Maine

Paul C. Catsos
THOMPSON & BOWIE
3 Canal Plaza
P.O. Box 4630
Portland, ME 04112
Telephone: 774-2500
Email: pcatsos@thompsonbowie.com

Menu Foods Inc.

Menu Foods Income Fund

Menu Foods Limited

Menu Foods Midwest Corporation

Lead Attorney Representing actions filed in Tennessee

Jeffrey R. Thompson
O'NEIL, PARKER & WILLIAMSON
P.O. Box 217
Knoxville, TN 37901-0217
Telephone: (865) 546-7190
Facsimile: (865) 546-0789
Email: jthompson@opw.com

Menu Foods Inc.

Menu Foods Income Fund

Lead Attorneys Representing actions filed in California

Susan Moriarty Hack
HIGGS FLETCHER AND MACK
401 West A Street, Suite 2600
San Diego, CA 92101
Telephone: (619) 236-1551
Facsimile: (619) 696-1410
Email: hack@higgslaw.com

Menu Foods Holding Inc.

Menu Foods, Inc.

Don Howarth
Suzelle M. Smith
HOWARTH & SMITH
523 West Sixth Street, Suite 728
Los Angeles, CA 90014
Telephone: (213) 955-9400
Email: dhowarth@howarth-smith.com
ssmith@howarth-smith.com

The Iams Company

The Proctor & Gamble Company

Mordecai D. Boone
GORDON & REES LLP
275 Battery Street, 20th Floor
San Francisco, CA 94111
Telephone: (415) 986-5900
Facsimile: (415) 986-8054
Email: mboone@gordonrees.com

Menu Foods Income Fund
Menu Foods Midwest Corporation
Menu Foods South Dakota Inc.
Menu Foods, Inc.

Jean M. Lawler
Gina E. Och
MURCHISON AND CUMMING
Chase Plaza
801 S. Grand Avenue, 9th Floor
Los Angeles, CA 90017-4613
Telephone: (213) 623-7400
Facsimile: (213) 623-6336
Email: goch@murchison-cumming.com

Foods, Inc.
Menu Foods Income Fund
Menu Foods Limited
Menu Foods Midwest Corp.
Menu Foods Operating Limited Partnership
Menu Foods, Inc.
Petco Animal Supplies Inc.
The IAMS Company

Gary L. Justice
William E. Wegner
GIBSON DUNN AND CRUTCHER
333 S. Grand Ave.
Los Angeles, CA 90071-3197
Telephone: (213) 229-7000
Email: wwegner@gibsondunn.com

Nutro Products

Robert Troyer
HOGAN & HARTSON LLP
One Tabor Center
1200 Seventeenth Street, Suite 1500
Denver, CO 80202
Telephone: (303) 899-7300
Facsimile: (303) 899-7333

Nestle

Additional Defendants	
------------------------------	--

Menu Foods Gen Par Limited c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	Menu Foods Limited Partnership c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
Menu Foods Operating Partnership c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	Wal-Mart Stores, Inc. c/o The Corporation Company 425 W. Capitol Avenue, Suite 1700 Little Rock, AR 72201
Eukanuba One Proctor & Gamble Plaza C-2 Cincinnati, OH 45202	Xuzhou Anying Biologic Technology Development Co. Ltd c/o Mr. Mao Lujun Wangdian Industrial Pei County Jiangsu Xuzhou, Jiangsu, P. R. China
Suzhou Textile Import and Export Company 201 Zhuhui Road Suzhou, Jiangsu, China 215006	Nestle USA, Inc. Nestle Holdings, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
Nestle Purina Petcare Co. c/o CT Corporation System 120 South Central Avenue Clayton, MO 63105	Nestle, S.A. c/o Nestlé USA, Inc. 800 North Brand Blvd. Glendale, CA 91203
Chemnutra, Inc. c/o National Registered Agents, Inc. 160 Greentree Drive, Suite 101 Dover, DE 19904	

David L. Lillehaug
FREDRIKSON & BYRON, P.A.
200 S. Sixth Street, Suite 4000
Minneapolis, MN 55402

Counsel For The Menu Food Entities

Barbara L. Croutch
PILLSBURY WINTHROP SHAW PITTMAN LLP
725 S. Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406

Counsel For Petco

Charles H. Abbott III
GIBSON DUNN & CRUTCHER LLP
333 S. Grand Avenue
Los Angeles, CA 90071-3197

Counsel For Nutro Products, Inc.

Gerard H. Hanson
HILL WALLACK
202 Carnegie Center
Princeton, NJ 08543-5226
Telephone: (609) 924-0808
Email: ghh@hillwallack.com

Chemnutra, Inc.

<i>Attorneys for Plaintiffs</i>	
----------------------------------------	--

Jason M. Hatfield
LUNDY & DAVIS, LLP
300 North College Avenue, Suite 309
Fayetteville, AR 72701
Telephone: (479) 527-3921
Facsimile: (479) 587-9196
Email: jhatfield@lundydavis.com

Sims v. Menu Foods
5:07-cv-05053-JLH
W.D. Arkansas

Richard A. Adams
PATTON, ROBERTS, McWILLIAMS &
CAPSHAW
2900 Saint Michael Drive, Suite 400
Texarkana, TX 75503
Telephone: (903) 334-7107
Facsimile: (903) 334-7007
Email: radams@pattonroberts.com

Widen v. Menu Foods
5:07-cv-05055-RTD
W.D. Arkansas

Jeremy Y. Hutchinson
Jack T. Patterson, II
PATTON, ROBERTS, McWILLIAMS &
CAPSHAW
111 Center Street, Suite 1315
Little Rock, AR 72201
Telephone: (501) 372-3480
Facsimile: (501) 372-3488
Email: jhutchinson@pattonroberts.com

Timothy Chad Hutchinson
WILLIAMS & HUTCHINSON, LLP
5417 Pinnacle Point Drive, Suite 500
Rogers, AR 72758
Telephone: (479) 464-4944
Facsimile: (479) 464-4946
Email: thutchinson@whs-lawfirm.com

Sean F. Rommel
PATTON, ROBERTS, McWILLIAMS, GREER &
CAPSHAW, LLP
P.O. Box 6128
2900 St. Michael Drive
Texarkana, TX 75505-6128
Telephone: (903) 334-7000
Facsimile: (903) 334-7007
Email: srommel@pattonroberts.com

James C. Wyly
PATTON, ROBERTS, McWILLIAMS &
CAPSHAW, LLP
P. O. Box 6128
Texarkana, TX 75505
Telephone: (903) 334-7000
Facsimile: (903) 334-7007
Email: jwyly@pattonroberts.com

Jason M. Hatfield
LUNDY & DAVIS, LLP
300 North College Avenue, Suite 309
Fayetteville, AR 72701
Telephone: (479) 527-3921
Facsimile: (479) 587-9196
Email: jhatfield@lundydavis.com

Cooper v. Menu Foods
4:07-cv-04036-HFB
W.D. Arkansas

William Gene Horton
NOLAN, CADDELL & REYNOLDS, PA
P.O. Box 184
Fort Smith, AR 72902
Telephone: (479) 782-5297
Facsimile: (479) 782-5194
Email: bhorton@justicetoday.com

Gray v. Menu Foods
5:07-cv-05065-RTD
W.D. Arkansas

Jeffrey B. Cereghino
BERDING AND WEIL
3240 Stone Valley Road West
Alamo, CA 94507
Telephone: (925) 838-2090
Facsimile: (925) 820-5592
Email:

Swarberg v. Menu Foods
3:07-cv-00706-BTM-POR

Eric Benink
KRAUSE KALFAYAN BENINK AND SLAVENS
625 Broadway, Suite 635
San Diego, CA 92101
Telephone (619) 232-0331
Facsimile: (619) 232-4019

Payne v. Menu Foods
3:07-cv-00705-JAH-CAB

Mark J. Tamblyn
WEXLER TORISEVA WALLACE
1610 Arden Way, Suite 290
Sacramento, CA 95815
Telephone: (916) 568-1100
Email: mjt@wtwlaw.us

Sexton v. Menu Foods
07-cv-01958-GHK-AJW
C.D. California

Stuart Talley
KERSHAW CUTTER RATINOFF & YORK
980 9th Street, 19th floor
Sacramento, CA 95814
Telephone: (916) 448-9800
Facsimile: (916) 669-4499

Jeff S. Westerman
Sabrina S. Kim
MILBERG WEISS & BERSHAD LLP
One California Plaza
300 S. Grand Avenue, Suite 3900
Los Angeles, CA 90071
Telephone: (213) 617-1200
Facsimile: (213) 617-1200
Email: jwesterman@milbergweiss.com
skim@milbergweiss.com

Howe v. Menu Foods
2:07-cv-02060-SJO-PLA
C. D. California

Jeff S. Westerman
Sabrina S. Kim
Cheryl A. Williams
Michiyo Michelle Furukawa
MILBERG WEISS & BERSHAD LLP
One California Plaza
300 S. Grand Avenue, Suite 3900
Los Angeles, CA 90071
Telephone: (213) 617-1200
Facsimile: (213) 617-1200
Email: jwesterman@milbergweiss.com
skim@milbergweiss.com

Townsend v. Menu Foods
5:07-cv-00398-GHK-AJW
C.D. California

Jeff S. Westerman
Sabrina S. Kim
Cheryl A. Williams
Michiyo Michelle Furukawa
MILBERG WEISS & BERSHAD LLP
One California Plaza
300 S. Grand Avenue, Suite 3900
Los Angeles, CA 90071
Telephone: (213) 617-1200
Facsimile: (213) 617-1200
Email: jwesterman@milbergweiss.com
skim@milbergweiss.com

Chamberlain v. Nestle SA
2:07-cv-02476-FMC-SS
C.D. California

James L. Davidson
Paul J. Geller
Stuart Andrew Davidson
LERACH COUGHLIN STOIA GELLER RUDMAN
& ROBBINS
120 E. Palmetto Park Rd., Suite 500
Boca Raton, FL 33432
Telephone: (561) 750-3000
Facsimile: (561) 750-3364
Email: jdavidson@lerachlaw.com
sdavidson@lerachlaw.com
pgeller@lerachlaw.com
shawnw@lerachlaw.com

Ingles v. Menu Foods
3:07-cv-01809-MMC
N.D. California

Shawn A. Williams
LERACH COUGHLIN STOIA GELLER RUDMAN
& ROBBINS
100 Pine Street, Suite 2600
San Francisco, CA 94111

Robert M. Churella
Robert K. Friedl
Michael L. Kelly
KIRTLAND & PACKARD
2361 Rosecrans Ave., 4th Floor
El Segundo, CA 90245
Telephone: (310) 536-1000
Email: rkc@kirtland-packard.com
rkl@kirtlandpackard.com
michaellkelly@earthlink.net

Paul Randolph Johnson v. Menu Foods
2:07-cv-01987-GHK-AJW
C.D. California

Andrew H. Friedman
Gregory D. Helmer
HELMER AND SMITH
723 Ocean Front Walk
Venice, CA 90292
Telephone: (310) 396-7714

Grady v. Menu Foods
2:07-cv-02253-DDP-PLA
C.D. California

Paul L. Hoffman
Michael S. Morrison
Michael D. Seplow
SCHONBRUN DeSIMONE SEPLOW HARRIS
AND HOFFMAN
723 Ocean Front Walk, Suite 100
Venice, CA 90291-3270
Telephone: (310) 396-0731
Facsimile: (310) 399-7040
Email: hoffpaul@aol.com

Thomas M. Ferlauto
William T. King
KING & FERLAUTO
1880 Century Park East, Suite 820
Los Angeles, CA 90067-1627
Telephone: (310) 552-3366
Email: ferlauto@pacbell.net

Finestone v. Menu Foods
2:07-cv-02338-CAS-CW
C.D. California

Bruce E. Newman
Kevin Edward Creed
NEWMAN, CREED & ASSOCIATES
P.O. Box 575
Bristol, CT 06011-0575
Telephone: (860) 583-5200
Facsimile: (860) 582-0012
Email: bnewman@newmancreedlaw.com
kcreed@newmancreedlaw.com

Osborne v. Menu Foods
07-cv-00469-RNC
D. Connecticut

Debra Lynn Waldhauer - *pro per*
Satoru Waldhauer
159 N. Audrey Circle NW
Fort Walton Beach, FL 32548
Telephone: (850) 243-8974

Waldhauer v. Menu Foods
3:07-cv-00131-MCR-EMT
N.D. Florida

James Lee Davidson
Paul Jeffrey Geller
Stuart Andrew Davidson
LERACH COUGHLIN STOIA GELLER RUDMAN
& ROBBINS
120 E. Palmetto Park Rd., Suite 500
Boca Raton, FL 33432
Telephone: (561) 750-3000
Facsimile: (560) 750-3364
Email: jdavidson@lerachlaw.com
sdavidson@lerachlaw.com
pgeller@lerachlaw.com

Troiano v. Menu Foods
0:07-cv-60428-JIC
S.D. Florida

Lawrence M. Kopelman
KOPELMAN & BLANKMAN
350 E. Las Olas Blvd., Suite 980
Fort Lauderdale, FL 33301
Telephone: (954) 462-6855
Facsimile: (954) 462-6899

Scott Wm. Weinstein
MORGAN & MORGAN, PA
12800 University Drive, Suite 600
P.O. Box 9504
Ft. Myers, FL 33906
Telephone: (239) 433-6880
Facsimile: (239) 433-6836
Email: sweinstein@forthepeople.com

Ferrarese v. Menu Foods
2:07-cv-00235-JES-DNF
M.D. Florida

Gary E. Mason
THE MASON LAW FIRM, P.C.
1225 19th Street NW, Suite 500
Washington, DC 20036
Telephone: (202) 429-2290
Facsimile: (202) 429-2294
Email: gmason@masonlawdc.com

Scott Rhead Shepherd
SHEPHERD FINKELMAN MILLER & SHAH
4400 N. Federal Highway
Lighthouse Point, FL 33064-1717
Telephone: (954) 943-9191
Facsimile: (954) 943-9173
Email: sshepherd@classactioncounsel.com

Donnelly v. Menu Foods
1:07-cv-20955-JAL
S.D. Florida

Bruce S. Bistline
Philip Howard Gordon
GORDON LAW OFFICES
623 W. Hays
Boise, ID 83702-5512
Telephone: (208) 345-7100
Facsimile: (208) 345-0050
Email: bbistline@gordonlawoffices.com
pgordon@gordonlawoffices.com

Klimes v. Menu Foods
1:07-cv-00160-MHW
D. Idaho

Mick Hodges
PETERSON HODGES & HARPER
P.O. Box 3088
Twin Falls, ID 83303-5298
Telephone: (208) 733-5500
Email: mick76hodges@aol.com

John Blim
Jay Edelson
BLIM & EDELSON, LLC
53 West Jackson Blvd., Suite 1642
Chicago, IL 60604
Telephone: (312) 913-9400
Facsimile: (312) 913-9401
Email: john@blimlaw.com
jay@blimlaw.com

Majerczyk v. Menu Foods
1:07-cv-01543
N.D. Illinois

Gino L. DiVito
TABET DiVITO & ROTHSTEIN LLC
209 S. La Salle Street, 7th Floor
Chicago, IL 60604
Telephone: (312) 762-9460
Email: gdivito@tdrlawfirm.com

Brian R. Cunha
BRIAN CUNHA & ASSOCIATES
311 Pine Street
Fall River, MA 02720
Telephone: (508) 675-9500
Facsimile: (508) 679-6565
Email: Brian@briancunha.com

Rodrigues v. Menu Foods
1:07-cv-10745-EFH
D. Massachusetts

Leonard M. Gulino
Daniel J. Mitchell
Theodore A. Small
Michael R. Bosse
BERNSTEIN, SHUR
100 Middle Street
P.O. Box 9729
Portland, ME 04104-5029
Telephone: (207) 774-1200
Email: lgulino@bssn.com
mbossec@bernsteinshur.com
dmitchell@bernsteinshur.com
tsmall@bernsteinshur.com

Brazilian v. Menu Foods Income Fund
2:07-cv-00054-GZS
D. Maine

Brian O. O'Mara
O'MARA LAW FIRM, P.C.
311 E. Liberty Street
Reno, NV 89501
Telephone: (775) 323-1321
Facsimile: (775) 323-4082
Email: brian@omaralaw.net

Streczyn v. Menu Foods
3:07-cv-00159-LRH-VPC
D. Nevada

Bruce Daniel Greenberg
Allyn Zissel Lite
LITE, DEPALMA, GREENBERG & RIVAS, LLC
Two Gateway Center, 12th Floor
Newark, NJ 07102
Telephone: (973) 623-3000
Email: bgreenberg@ldgrlaw.com
alite@ldgrlaw.com

Richard & Kohler v. Menu Foods
1:07-cv-01457-NLH-AMD
D. New Jersey

Donna Siegel Moffa
TRUJILLO RODRIGUEZ & RICHARDS
8 Kings Highway West
Haddonfield, NJ 08033
Telephone: (856) 795-9002
Email: donna@trrlaw.com

Workman v. Menu Foods
1:07-cv-01338-NLH-AMD
D. New Jersey

Sherrie R. Savett
Michael T. Fantini
Russell D. Paul
BERGER & MONTAGUE, P.C.
1622 Locust Street
Philadelphia, PA 19103

Gregg D. Trautmann
TRAUTMANN & ASSOCIATES, LLC
262 East Main Street
Rockaway, NJ 07866
Telephone: (973) 316-8100
Email: gdt@trautmann.com

Thomson v. Menu Foods
1:07-cv-01360-PGS-RJH
D. New Jersey

Alan E. Sash
McLAUGHLIN & STERN, LLP
260 Madison Avenue
New York, NY 10016
Telephone: (212) 448-1100
Facsimile: (212) 448-0066
Email: asash@mclaughlinstern.com

Tinker v. Menu Foods
1:07-cv-01468-NLH-AMD
D. New Jersey

Arthur N. Abbey
Stephen T. Rodd
Orin Kurtz
ABBEE SPANIER RODD ABRAMS & PARADIS
212 East 39th Street
New York, NY 10016

Joseph J. DePalma
LITE, DEPALMA, GREENBERG & RIVAS, LLC
Two Gateway Center, 12th Floor
Newark, NJ 07102-5003
Telephone: (973) 623-3000
Email: jdepalma@ldgrlaw.com

Richard v. Menu Foods
1:07-cv-01457-NLH-AMD
D. New Jersey

Joseph J. DePalma
LITE, DEPALMA, GREENBERG & RIVAS, LLC
Two Gateway Center, 12th Floor
Newark, NJ 07102-5003
Telephone: (973) 623-3000
Email: jdepalma@ldgrlaw.com

Wilson v. Menu Foods
1:07-cv-01456-NLH-AMD
D. New Jersey

Mark J. Tamblyn
WEXLER TORISEVA WALLACE
1610 Arden Way, Suite 290
Sacramento, CA 95815

Kenneth A. Wexler
WEXLER TORISEVA WALLACE
One North La Salle Street, Suite 2000
Chicago, IL 60602

KERSHAW CUTTER & RATINOFF, LLP
980 9th Street, 19th Floor
Sacramento, CA 95814

Michael A. Ferrara, Jr.
THE FERRARA LAW FIRM, LLC
601 Longwood Avenue
Cherry Hill, NJ 08002
Telephone: (856) 779-9500
Email: mferrara@ferraralawfirm.com

Bonier v. Menu Foods
1:07-cv-01477-NLH-AMD
D. New Jersey

William M. Audet
Michael McShane
Kevin L. Thomason
AUDET & PARTNERS, LLP
221 Main Street, Suite 1460
San Francisco, CA 94105

Joseph J. DePalma
LITE, DEPALMA, GREENBERG & RIVAS, LLC
Two Gateway Center, 12th Floor
Newark, NJ 07102-5003
Telephone: (973) 623-3000
Email: jdepalma@ldgrlaw.com

Hidalgo v. Menu Foods
1:07-cv-01488-NLH-AMD
D. New Jersey

James Lee Davidson
Paul Jeffrey Geller
LERACH COUGHLIN STOLA GELLER RUDMAN
& ROBBINS
120 E. Palmetto Park Rd., Suite 500
Boca Raton, FL 33432

Joseph J. DePalma
LITE, DEPALMA GREENBERG & RIVAS, LLC
Two Gateway Center, 12th Floor
Newark, NJ 07102-5003
Telephone: (973) 623-3000
Email: jdepalma@ldgrlaw.com

Nunez v. Menu Foods
1:07-cv-1490-NLH
D. New Jersey

Jeff S. Westerman
Sabrina S. Kim
Cheryl A. Williams
Michiyo Michelle Furukawa
MILBERG WEISS & BERSHAD LLP
One California Plaza
300 S. Grand Avenue, Suite 3900
Los Angeles, CA 90071

Joseph J. DePalma
LITE, DEPALMA, GREENBERG & RIVAS, LLC
Two Gateway Center, 12th Floor
Newark, NJ 07102-5003
Telephone: (973) 623-3000
Email: jdepalma@ldgrlaw.com

Gagliardi v. Menu Foods
1:07-cv-01522-NLH-AMD
D. New Jersey

James Lee Davidson
Paul Jeffrey Geller
Stuart Andrew Davidson
LERACH COUGHLIN STOIA GELLER RUDMAN
& ROBBINS
120 E. Palmetto Park Rd., Suite 500
Boca Raton, FL 33432

Joseph J. DePalma
LITE, DEPALMA, GREENBERG & RIVAS, LLC
Two Gateway Center, 12th Floor
Newark, NJ 07102
Telephone: (973) 623-3000
Email: jdepalma@ldgrlaw.com

Golding v. Menu Foods
1:07-cv-01521-NLH-AMD
D. New Jersey

Jeff S. Westerman
Sabrina S. Kim
Cheryl A. Williams
Michiyo Michelle Furukawa
MILBERG WEISS & BERSHAD LLP
One California Plaza
300 S. Grand Avenue, Suite 3900
Los Angeles, CA 90071

Joseph J. DePalma
LITE, DEPALMA, GREENBERG & RIVAS, LLC
Two Gateway Center, 12th Floor
Newark, NJ 07102-5003
Telephone: (973) 623-3000
Email: jdepalma@ldgrlaw.com

Turturro v. Menu Foods
1:07-cv-01523-NLH-AMD
D. New Jersey

James Lee Davidson
Paul Jeffrey Geller
Stuart Andrew Davidson
LERACH COUGHLIN STOIA GELLER RUDMAN
& ROBBINS
120 E. Palmetto Park Rd., Suite 500
Boca Raton, FL 33432

Donna Siegel Moffa
TRUJILLO, RODRIGUEZ & RICHARDS LLP
8 Kings Highway West
Haddonfield, NJ 08033
Telephone: (856) 795-9002
Email: donna@trrlaw.com

Schneider v. Menu Foods
1:07-cv-01533-NLH-AMD
D. New Jersey

Sherrie R. Savett
Michael T. Fantini
Russell D. Paul
BERGER & MONTAGUE, P.C.
1622 Locust Street
Philadelphia, PA 19103

Robert A. Rovner
Jeffrey Zimmerman
ROVNER, ALLEN, ROVNER ZIMMERMAN &
NASH
175 Bustleton Pike
Feasterville, PA 19053-6456

Michael A. Ferrara, Jr.
THE FERRARA LAW FIRM, LLC
601 Longwood Avenue
Cherry Hill, NJ 08002
Telephone: (856) 779-9500
Email: mferrara@ferraralawfirm.com

Berndl v. Menu Foods
1:07-cv-01553-NLH-AMD
D. New Jersey

Gary S. Graifman
KANTROWITZ, GOLDHAMMER & GRAIFMAN,
ESQS.
210 Summit Avenue
Montvale, NY 07645
Telephone: (201) 391-7000
Email: ggraifman@kgglaw.com

Pittsonberger v. Menu Foods
07-cv-01561-NLH-AMD
D. New Jersey

Robert Kaplan
Linda Nussbaum
Christine M. Fox
KAPLAN FOX & KILSHEIMER LLP
805 Third Avenue, 22nd Floor
New York, NY 10022

William J. Pinilis
KAPLAN FOX & KILSHEIMER LLP
237 South Street
Morristown, NJ 07962
Telephone: (973) 401-1111
Email: wpinilis@kaplanfox.com

Carter v. Menu Foods
1:07-cv-01562-NLH-AMD
D. New Jersey

William J. Pinilis
KAPLAN FOX & KILSHEIMER LLP
237 South Street
Morristown, NJ 07962
Telephone: (973) 401-1111
Email: wpinilis@kaplanfox.com

Bullock v. Menu Foods
1:07-cv-01579-NLH-AMD
D. New Jersey

Laurence D. King
KAPLAN FOX & KILSHEIMER LLP
555 Montgomery Street, Suite 1501
San Francisco, CA 94111

Todd M. Schneider
SCHNEIDER & WALLACE
180 Montgomery Street, Suite 2000
San Francisco, CA 94104

Gary E. Mason
Donna F. Sollen
THE MASON LAW FIRM, LLP
1225 19th Street, NW Suite 500
Washington, DC 20036

Gary S. Graifman
KANTROWITZ, GOLDHAMMER & GRAIFMAN
210 Summit Avenue
Montvale, NY 07645

Jeffrey A. Wigodsky
KARP, FROSH, LAPIDUS, WIGODSKY &
NORWIND
1133 Connecticut Ave. NW, Suite 250
Washington, DC 20036

Joseph M. Vanek
VANEK, VICKERS & MASINI
111 S. Wacker Drive, Suite 4050
Chicago, IL 60606

James C. Shah
SHEPHERD, FINKELMAN, MILLER & SHAH,
LLC
475 White Horse Pike
Collingswood, NJ 08107-1909
Telephone: (856) 858-1770
Facsimile: (856) 858-7012
Email: jshah@classactioncounsel.com

Christina Johnson v. Menu Foods
1:07-cv-01610-NLH-AMD
D. New Jersey

Scott A. George
SEEGER WEISS, LLP
550 Broad Street, Suite 920
Newark, NJ 07102
Telephone: (973) 639-9100
Email: sgeorge@seegerweiss.com

Conner v. Menu Foods
1:07-cv-01623-NLH-AMD
D. New Jersey

Donna Siegel Moffa
TRUJILLO RODRIGUEZ & RICHARDS
8 Kings Highway West
Haddonfield, NJ 08033
Telephone: (856) 795-9002
Email: donna@trrlaw.com

Long v. Menu Foods
1:07-01624-NLH-AMD
D. New Jersey

Donna Siegel Moffa
TRUJILLO RODRIGUEZ & RICHARDS
8 Kings Highway West
Haddonfield, NJ 08033
Telephone: (856) 795-9002
Email: donna@trrlaw.com

Conti v. Menu Foods
1:07-cv-01638-NLH-AMD
D. New Jersey

Joseph J. DePalma
LITE, DEPALMA, GREENBERG & RIVAS, LLC
Two Gateway Center, 12th Floor
Newark, NJ 07102-5003
Telephone: (973) 623-3000
Email: jdepalma@ldgrlaw.com

Freeman v. Menu Foods
1:07-cv-01646-NLH-AMD
D. New Jersey

William J. Pinilis
KAPLAN FOX & KILSHEIMER LLP
237 South Street
Morristown, NJ 07962
Telephone: (973) 401-1111
Email: wpinilis@kaplanfox.com

Pirches v. Menu Foods
1:07-cv-01685-NLH-AMD
D. New Jersey

Joseph J. DePalma
LITE, DEPALMA, GREENBERG & RIVAS, LLC
Two Gateway Center, 12th Floor
Newark, NJ 07102-5003
Telephone: (973) 623-3000
Email: jdepalma@ldgrlaw.com

Diedrich v. Menu Foods
1:07-cv-01700-NLH-AMD
D. New Jersey

Joseph J. DePalma
LITE, DEPALMA, GREENBERG & RIVAS, LLC
Two Gateway Center, 12th Floor
Newark, NJ 07102-5003
Telephone: (973) 623-3000
Email: jdepalma@ldgrlaw.com

Sokolwski v. Menu Foods
1:07-cv-01709-NLH-AMD
D. New Jersey

Joseph J. DePalma
LITE, DEPALMA, GREENBERG & RIVAS, LLC
Two Gateway Center, 12th Floor
Newark, NJ 07102-5003
Telephone: (973) 623-3000
Email: jdepalma@ldgrlaw.com

McCullough v. Menu Foods
1:07-cv-01710-NLH-AMD
D. New Jersey

Joseph J. DePalma
LITE, DEPALMA, GREENBERG & RIVAS, LLC
Two Gateway Center, 12th Floor
Newark, NJ 07102-5003
Telephone: (973) 623-3000
Email: jdepalma@ldgrlaw.com

Colquitt v. Menu Foods
1:07-cv-01738-NLH-AMD
D. New Jersey

Joseph J. DePalma
LITE, DEPALMA, GREENBERG & RIVAS, LLC
Two Gateway Center, 12th Floor
Newark, NJ 07102-5003
Telephone: (973) 623-3000
Email: jdepalma@ldgrlaw.com

Debarthy v. Menu Foods
1:07-cv-01739-NLH-AMD
D. New Jersey

Seth R. Lesser
LAW OFFICES OF GENE LOCKS, PLLC
457 Haddonfield Road, Suite 500
Cherry Hill, NJ 08002
Telephone: (856) 663-8200
Email: slesser@lockslawny.com

Byers v. Menu Foods
1:07-cv-01747-NLH-AMD
D. New Jersey

Donna Siegel Moffa
TRUJILLO RODRIGUEZ & RICHARDS
8 Kings Highway West
Haddonfield, NJ 08033
Telephone: (856) 795-9002
Email: donna@trrlaw.com

Carestio v. Menu Foods
1:07-cv-01762-NLH-AMD
D. New Jersey

John T. Murray
Dennis E. Murray, Sr.
Leslie O. Murray
MURRAY & MURRAY CO., LPA
111 East Shoreline Drive
P.O. Box 19
Sandusky, OH 44870
Telephone: (419) 624-3000
Facsimile: (419) 624-0707
Email: jotm@murrayandmurray.com
dms@murrayandmurray.com
lom@murrayandmurray.com

Boehm v. Menu Foods
1:07-cv-01018-PCE
D. Ohio

Jeremy Gilman
Nicole Dorsky
BENESCH, FRIEDLANDER, COPLAN, ARONOFF
2300 BP Tower
200 Public Square, Suite 2300
Cleveland, OH 44114
Telephone: (216) 363-4593
Facsimile: (216) 363-4588
Email: jgilman@bfca.com
ndorsky@bfca.com

Peter N. Wasyluk
PETER N. WASYLYK - ATTORNEY AT LAW
1307 Chalkstone Avenue
Providence, RI 02908
Telephone: 831-7730
Facsimile: 861-6064
Email: pnwlaw@aol.com

Brown v. Menu Foods
1:07-cv-00115-ML-LDA
D. Rhode Island

Garrett D. Blanchfield, Jr.
Mark Reinhardt
REINHARDT WENDORF & BLANCHFIELD
332 Minnesota Street, Suite E-1250
St. Paul, MN 55101
Telephone: (651) 287-2100
Email: g.blanchfield@rwblawfirm.com
mreinhardt@comcast.net

Rozman v. Menu Foods Midwest Corp.
0:07-cv-01808-ADM-AJB
Minnesota

Andrew S. Kierstead
LAW OFFICE OF ANDREW S. KIERSTEAD
1001 SW Fifth Avenue, Suite 1100
Portland, OR 97204

Marc Stanley
STANLEY MANDEL & IOLA, LLP
3100 Monticello Avenue, Suite 750
Dallas, TX 75205

A. James Andrews
A. JAMES ANDREWS, ATTORNEY AT LAW
905 Locust Street
Knoxville, TN 37902
Telephone: (865) 660-3993
Facsimile: (865) 523-4623
Email: andrewsesq@icx.net

Holt v. Menu Foods
3:07-cv-00094
E.D. Tennessee

Nicole Bass
905 Locust Street
Knoxville, TN 37902

Perry A. Craft
CRAFT & SHEPPARD
214 Centerview Drive, Suite 233
Brentwood, TN 37027
Telephone: (615) 309-1707
Facsimile: (615) 309-1717
Email: perrycraft@crafsheppardlaw.com

Dan C. Stanley
Robert R. Kurtz
STANLEY & KURTZ, PLLC
422 S. Gay Street, 3rd Floor
Knoxville, TN 37902
Telephone: (865) 522-9942
Facsimile: (865) 522-9945
Email: rkurtz@lock-net.com
dan@danchanningstanley.com

Light v. Menu Foods
3:07-cv-00098
E.D. Tennessee

Michael David Myers
MYERS & COMPANY
1809 7th Avenue, Suite 700
Seattle, WA 98101
Telephone: (206) 398-1188
Facsimile: (206) 398-1189
Email: mmyers@myers-company.com

Whaley v. Menu Foods
2:07-cv-00411-RSM
W.D. Washington

Adam Karp
ANIMAL LAW OFFICES
114 W. Magnolia Street, Suite 425
Bellingham, WA 98225-4354
Telephone: (360) 738-7273
Facsimile: (360) 392-3936
Email: adam@animal-lawyer.com

Steve W. Berman
HAGENS BERMAN SOBOL SHAPIRO
1301 5th Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Email: steve@hbsslaw.com

Heller v. Menu Foods
2:07-cv-00453-JCC
W.D. Washington

Michael David Myers
MYERS & COMPANY
1809 7th Avenue, Suite 700
Seattle, WA 98101
Telephone: (206) 398-1188
Facsimile: (206) 398-1189
Email: mmyers@myers-company.com

Steve W. Berman
HAGENS BERMAN SOBOL SHAPIRO
1301 5th Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Email: steve@hbsslaw.com

Kornelius v. Menu Foods
2:07-cv-00454-MJP
W.D. Washington

Michael David Myers
MYERS & COMPANY
1809 7th Avenue, Suite 700
Seattle, WA 98101
Telephone: (206) 398-1188
Facsimile: (206) 398-1189
Email: mmyers@myers-company.com

Steve W. Berman
HAGENS BERMAN SOBOL SHAPIRO
1301 5th Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Email: steve@hbsslaw.com

Johnson v. Menu Foods
2:07-cv-00455-JCC
W.D. Washington

Adam Karp
 ANIMAL LAW OFFICES
 114 W. Magnolia Street, Suite 425
 Bellingham, WA 98225-4354
 Telephone: (360) 738-7273
 Facsimile: (360) 392-3936
 Email: adam@animal-lawyer.com

Suggett v. Menu Foods
 2:07-cv-00457-RSM
 W. D. Washington

Jennifer Reba Thomaidis
 THOMAIDIS LAW, LLC
 1866 Vine Street
 Denver, CO 80206
 Telephone: (303) 322-4355
 Facsimile: (303) 322-4354
 Email: Jennifer@thomaidislaw.com

Tompkins v. Menu Foods
 1:07-cv-00736-JLK
 D. Colorado

<u>COURTS</u>	
Clerk of the Court U.S. District Court, Western District of Arkansas 35 E. Mountain Street, Suite 510 Fayetteville, AR 72701-5354	Clerk of the Court U.S. District Court, Central District of California 312 N. Spring Street, Rm G-8 Los Angeles, CA 90012
Clerk of the Court U.S. District Court, Northern District of California Phillip Burton United States Courthouse 450 Golden Gate Avenue, 16th Floor San Francisco, CA 94102-3434	Clerk of the Court U.S. District Court, Southern District of California 4290 Edward J. Schwartz United States Courthouse 940 Front Street San Diego, CA 92101
Clerk of the Court U.S. District Court, District of Colorado Alfred A. Arraj United States Courthouse 901 19th Street, 2nd Floor Denver, CO 80294	Clerk of the Court U.S. District Court, District of Connecticut 450 Main Hartford, CT 06103
Clerk of the Court U.S. District Court, Middle District of Florida George C. Young United States Courthouse 80 North Hughey Avenue, Suite 300 Orlando, FL 32801	Clerk of the Court U.S. District Court, Northern District of Florida United States Courthouse Annex 111 North Adams Street, 3rd Floor Tallahassee, FL 32301

<p>Clerk of the Court U.S. District Court, Southern District of Florida 299 E. Broward Blvd., Suite 108 Fort Lauderdale, FL 33301</p>	<p>Clerk of the Court U.S. District Court, District Court of Idaho 400 James A. McClure Federal Bldg and United States Courthouse 550 West Fort Street Boise, ID 83724-0101</p>
<p>Clerk of the Court U.S. District Court, Northern District of Illinois 209 S. Dearborn Street Chicago, IL 60604</p>	<p>Clerk of the Court U.S. District Court, District Court of Maine Edward T. Gignoux Federal Courthouse 156 Federal Street Portland, ME 04101-4152</p>
<p>Clerk of the Court U.S. District Court, District of Massachusetts John Joseph Moakley United States Courthouse One Courthouse Way, Suite 2300 Boston, MA 02210-3002</p>	<p>Clerk of the Court U.S. District Court, District Court of Minnesota United States Courthouse 300 South Fourth Street, Suite 202 Minneapolis, MN 55415</p>
<p>Clerk of the Court U.S. District Court, District Court of Nevada Lloyd D. George United States Courthouse 333 Las Vegas Blvd. South, 1st Floor Las Vegas, NV 89101-7065</p>	<p>Clerk of the Court U.S. District Court, Northern District of Ohio Carl B. Stokes United States Courthouse 801 West Superior Avenue Cleveland, OH 44113</p>
<p>Clerk of the Court U.S. District Court, District of Rhode Island Federal Building and Courthouse One Exchange Terrace Providence, RI 02903</p>	<p>Clerk of the Court U.S. District Court, Eastern District of Tennessee Howard H. Baker Jr. United States Courthouse 800 Market Street, Suite 130 Knoxville, TN 37902-7902</p>
<p>Clerk of the Court U.S. District Court, Western District of Washington 700 Stewart Street Seattle, WA 98101</p>	